

REMARKS

This paper is being filed in response to the final Office Action mailed April 9, 2003. A "Request For Extension Of Time" for extending the due date for responding to the Office Action by two months and a credit card payment form (PTO-2038) to cover the fee payment for the extension (\$410) are being filed with this Response. Authorization is also granted to charge our deposit account no. 18-1644 for any additional fees necessary for entry of this Response.

The present Amendment is submitted as being compliance with revised 37 CFR § 1.121, effective July 30, 2003. Claims 32-37 and 45-48 were canceled without prejudice in prior amendments. Claims 38-44 and 49-55 are pending. Claims 38-44 are withdrawn.

The Examiner has rejected applicants' claims 49-55 under the judicially created doctrine of obviousness-type double patenting based on claims 1-2 of U.S. Patent No. 5,719,984 taken in view of Shimada et al. (U.S. Patent No. 4,575,772). The Examiner has further rejected applicants' claims 49, 51-52 and 54-55 under 35 USC § 102(b) as anticipated by the Shimada, et al. patent. Finally, the Examiner has rejected applicants' claims 50 and 53 under 35 USC § 103(a) as unpatentable based on Shimada et al. These rejections are respectfully traversed.

Applicants' independent claims 49 and 54 each recite a reproducing apparatus and method for controlling a reproduction apparatus, respectively, including a superimposing means or superimposing step having a first mode in which data of a first type is superimposed with image information and having a second mode in which data of the first type and data of a second type are both superimposed with image information. Claims 49 and 54 each further recite that the position at which the data of the first type is superimposed on a display screen in the first mode is different from the position at which the data of the first type is superimposed on a display screen in the second mode.

Applicants' independent claims 51 and 55 each recite a reproducing apparatus and method for controlling a reproduction apparatus, respectively, including a superimposing means or superimposing step for superimposing an information signal with character information that has been converted by a conversion means or step and outputting the information signal superimposed with converted character information to a display device. Claims 51 and 55 each further recite a control means or step for changing the position on a display screen of the superimposed character information according to a set display mode, and wherein, depending on the display mode, the control means or step varies the position at which superimposed character information is displayed on the display screen even when the character information to be superimposed is unchanged.

The above constructions of independent claims 49, 51, 54 and 55 permit the position at which information is superimposed on the display screen to be varied, as described in applicants' specification at page 89, lines 5-16 and shown in Figures 22(a) and (b). Such constructions are not taught or suggested by the cited art of record.

With respect to independent claims 49 and 54 and independent claims 51 and 55, the Examiner's rejections rely on the Examiner's interpretation of the Shimada et al. patent. The Examiner maintains the argument, in part, as follows:

"Shimada et al discloses in col. 4, lines 1-12 that DATA 1 is recorded in mode "01" and DATA 1 and DATA 2 are recorded in mode "11". The amount of DATA1 in mode "01" and DATA 1 and DATA 2 in mode "11" are different. The examiner believes that the position at which the data of the first type (DATA 1 in mode "01") is superimposed on a display screen in the first mode and the position at which the data of the first type (DATA 1 and DATA 2 in mode "11") is superimposed on a display screen in the second mode are different from each other because the amount of data (DATA 1 in mode "01" and DATA 1 and DATA 2 in mode "11") in two modes (mode "01 and mode "11") are different."

The Shimada et al. patent discloses the structure for controlling a recording operation for recording the audio signals and the character video signals on the recorded area "DATA1" or "DATA2" according to the mode select signal having a two-bits composition, such that the output of the video RAM is recorded on the recording area "DATA1" and the audio signal is recorded on the recording area "DATA2" when the mode select signal is "01." When the mode select signal is "10," the audio signals "L+R" and "L-R" are recorded on the recording area "DATA1" and "DATA2" respectively, and when the mode select signal is "11," the character video signals are recorded on the recording areas "DATA1" and "DATA2" (Col. 4, lines 8-21).

As above set forth, the Examiner has argued that Shimada et al. patent teaches that "the position at which the data of the first type (DATA 1 in mode "01") is superimposed on a display screen in the first mode and the position at which the data of the first type (DATA 1 and DATA 2 in mode "11") is superimposed on a display screen in the second mode are different from each other because the amount of data (DATA 1 in mode "01" and DATA 1 and DATA 2 in mode "11") in two modes (mode "01" and mode "11") are different." The Examiner's argument thus interprets the Shimada, et al. patent as teaching that the first type data in the first mode is DATA 1 and that the first type data in the second mode is DATA 1 and DATA 2.

Applicants continue to disagree with the Examiner's above argument. However, even under the Examiner's interpretation of the Shimada, et al. patent, it is evident that the patent fails to teach or suggest a device in which first type data is superimposed in a first mode and first and second type data are superimposed in a second mode, and the position in which the first type data is superimposed in the first mode differs from the position in which the first type data is superimposed in the second mode. As noted, in the Examiner's interpretation, only first type data is displayed in the first and second modes. Thus, the Shimada, et al. patent fails to recognize that

the superimposing position of the first type data on the display is changed according to whether data of the second type is contained in the ID data with the data of the first type or not.

Furthermore, under the Examiner's interpretation of the patent, the patent fails to teach or suggest a device in which, depending on the display mode, the position at which character information is displayed is varied, even when the character information is not changed. As above noted, as interpreted by the Examiner, there is no mention in the Shimada, et al. patent, as to whether the position of the character information is varied, even when the character information is not changed.

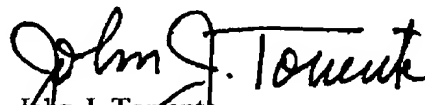
Applicant's independent claims 49, 51, 54 and 55, and their respective dependent claims, are thus believed to patentably distinguish over the Shimada, et al. patent. Claims 1 and 2 of the '984 patent fail to add anything to the Shimada, et al. patent to change this conclusion. Applicants' claims thus patentably distinguish over claims 1-2 of the '984 patent taken with the Shimada, et al. patent.

In view of the above, it is submitted that applicants' claims patentably distinguish over the cited art of record. Accordingly, reconsideration of the claims is respectfully requested. If the Examiner believes that an interview would expedite consideration of this Amendment or of the application, a request is made that the Examiner telephone applicants' counsel at (212) 682-9640.

Dated: September 9, 2003

Respectfully submitted,

ROBIN, BLECKER & DALEY
330 Madison Avenue
New York, New York 10017
(212) 682-9640


John J. Torrente
Reg. No. 26,359
Attorney of Record